

## STAFF REPORT

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**Date:** February 14, 2024

**To:** Mayor and City Council

**Thru:** Doug Thornley, City Manager

**Subject:** Staff Report (For Possible Action): Acceptance of a grant award from the State of Nevada, Department of Public Safety (DPS), Office of Traffic Safety (OTS) to the City of Reno Police Department (RPD) of 4 Oral Fluid Testing Devices and 25 Testing Cartridges valued at \$20,285 to assist in the evaluation of oral fluid testing devices to determine their evidentiary effectiveness for driving under the influence (DUI) enforcement.

**From:** Kathryn Nance, Chief of Police

**Department:** Police Department

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**Summary:**

Staff recommends Council accept the grant award from the State of Nevada, Department of Public Safety (DPS), Office of Traffic Safety (OTS) to the City of Reno Police Department (RPD) to assist in the evaluation of oral fluid testing devices to determine their evidentiary effectiveness for driving under the influence (DUI) enforcement. This award consists of 4 Oral Fluid Testing Devices and 25 Testing cartridges.

Consent Review	Yes	No
1. Is this item an annual or standard item that comes before Council for regular approval?		X
2. Is this item an agreement required based on an item previously approved by Council?		X
3. Is this item included in the current budget approved and adopted by Council?		X
<b>Other Considerations</b>		
What percent of the total City budget does this item represent?	.0064%	

**Alignment with Strategic Plan:**

Public Safety

**Previous Council Action:**

Council has approved DPS OTS grants since 1997, including the fiscal year (FY) 24 Impaired Driving Grant at the September 28, 2023, Council Meeting under Item B.12.

**Discussion:**

In 2021, substance-impaired crashes represented 57.5% of all Nevada crashes, and 58% of all traffic fatalities according to the National Highway Traffic Safety Administration's (NHTSA) Fatality Analysis Report System. Of those impaired driving cases, polysubstance impairments were more than double alcohol-only and marijuana-only impairments. Law enforcement officers conducting roadside DUI evaluations are faced with situations where the standardized field sobriety test or Advanced Roadside Impaired Driving Enforcement (ARIDE) evaluation indicates reasonable suspicion of impairment, but preliminary breath tests do not indicate the presence of alcohol, or other indicators suggesting drug impairment. The roadside oral fluid test can provide an indication of drug presence in the driver and allow the officer to request applicable laboratory testing.

The roadside oral fluid test is a screening test, not an evidentiary test. Similar to the preliminary breath test, the purpose of the oral fluid test is to assist the law enforcement officer in determining whether to administer the evidentiary breath test or the evidentiary blood test. Unlike the preliminary breath test, however, the roadside oral fluid test is not to be used to establish probable cause for an arrest. At this time, the purpose of oral testing is limited to assisting with test decisions, not arrest decisions.

OTS has provided these four units and testing materials so that DUI officers can assist OTS in evaluating the usefulness of these units. This award complements our existing DUI grant project funded by OTS. Each of the units is valued at \$4,900. One box of 25 cartridges is valued at \$685. Data collection activities will continue as long as the oral fluid testing supplies last, or until December 31, 2024.

**Financial Implications:**

There is no match requirement for this award.

**Legal Implications:**

Legal review completed for compliance with City procedures and Nevada Law. The City, by accepting this grant of these devices, agrees to comply with the terms of the grant application, provide information for evaluation to the granting organization, and provide progress reports, which will be completed by RPD personnel. Failure to adhere to the grant requirements could affect future funding.

**Recommendation:**

Staff recommends Council accept the grant award from the State of Nevada, Department of Public Safety, Office of Traffic Safety to the City of Reno Police Department to test four oral fluid testing devices to determine their evidentiary effectiveness for DUI enforcement and authorize the Chief of Police and other appropriate City staff to sign the necessary documents.

**Proposed Motion:**

I move to approve staff recommendation.

**Attachments:**

Award Document